

Laurence D. King (SBN # 206423)  
Linda M. Fong (SBN 124232)  
KAPLAN FOX & KILSHEIMER LLP  
350 Sansome Street, Suite 400  
San Francisco, CA 94104  
Telephone: 415-772-4700  
Facsimile: 415-772-4707  
lking@kaplanfox.com  
lfong@kaplanfox.com

[Additional Counsel on Signature Page]

Attorneys for Plaintiff Patricia Greenberg

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Patricia Greenberg,

Plaintiff,

v.

Expedia, Inc., et al.,

Defendants.

Civil Case No. 3:12-cv-04975-MEJ

CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER**

WHEREAS, Plaintiff filed the Complaint in this litigation on September 24, 2012;  
WHEREAS, all of the Defendants have agreed to waive service of the complaint;  
WHEREAS, a number of substantially similar complaints have been filed nationwide;  
WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed  
before the Judicial Panel on Multi-District Litigation ("JPML") to coordinate and/or consolidate  
all of the actions in one court;

WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,  
2012, and the parties expect that the JPML will issue a decision on the motion within a few

1 weeks after the hearing;<sup>1</sup>

2 WHEREAS, Plaintiff and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com LP,  
3 Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com B.V., Booking.com  
4 (USA), Inc., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts  
5 Worldwide, Inc., Trump International Hotels Management, LLC, Kimpton Hotel & Restaurant  
6 Group, LLC, InterContinental Hotels Group Resources, Inc., Wyndham Worldwide Corporation,  
7 Wyndham Hotel Group, LLC and Travelodge Hotels, Inc. (collectively “Defendants”) expect  
8 that all of the actions will be coordinated and/or consolidated before one court; and

9 WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the court’s  
10 resources and efficiently manage the litigation so as not to cause prejudice;

11 NOW THEREFORE, the parties agree as follows:

12 1. Defendants will not be required to answer or otherwise plead in response to the  
13 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §  
14 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be  
15 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file  
16 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the  
17 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer  
18 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this  
19 action. No discovery shall be served in the above-captioned matter while this stipulation is in  
20 effect;

21 2. In the event that Defendants voluntarily file or are ordered to file a responsive pleading in  
22 any other related action prior to the JPML’s decision, Defendants agree that this stipulation will  
23 become void and in that event, all of the parties agree to negotiate in good faith regarding a  
24 responsive pleading date.

25 3. If this Court is the transferee court, Defendants agree that they will engage in a

26 <sup>1</sup> John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242  
27 n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the  
Chair has finalized and approved each written opinion pertaining to that session”).

1 conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead  
2 counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407  
3 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P.  
4 26(f) with Plaintiffs within 14 days of the denial of the motion.

5 **ATTESTATION**

6 I hereby attest that I have on file all holographic signatures corresponding to any  
7 signatures indicated by a conformed signature (/s/) within this e-filed document.

8  
9 /s/Laurence D. King  
Laurence D. King

10 Dated: October 23, 2012

11 FOR PLAINTIFF:

FOR DEFENDANTS:

12  
13 By: /s/ Laurence D. King  
14 Laurence D. King (SBN 206423)  
15 Linda M. Fong (SBN 124232)  
16 KAPLAN FOX & KILSHEIMER LLP  
17 350 Sansome Street, Suite 400  
18 San Francisco, CA 94104  
19 Telephone: (415) 772-4700  
20 Facsimile: (415) 772-4707  
21 [lking@kaplanfox.com](mailto:lking@kaplanfox.com)  
22 [lfong@kaplanfox.com](mailto:lfong@kaplanfox.com)

By: /s/ Emily Johnson Henn  
Emily Johnson Henn (SBN 269482)  
COVINGTON & BURLING LLP  
333 Twin Dolphin Dr., Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800  
[ehenn@cov.com](mailto:ehenn@cov.com)

Attorneys for Defendants  
*Expedia, Inc. and Hotels.com LP*

23 Justin B. Farar (SBN 211556)  
24 KAPLAN FOX & KILSHEIMER LLP By:  
25 11111 Santa Monica Blvd, Suite 620  
26 Los Angeles, CA 90025  
27 Telephone: (310) 575-8670  
28 Facsimile: (310) 575-8697  
[jfarar@kaplanfox.com](mailto:jfarar@kaplanfox.com)

Attorneys for Plaintiff

/s/ George S. Cary  
George S. Cary (SBN 73858)  
Steven J. Kaiser  
CLEARY GOTTLIEB STEEN &  
HAMILTON LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006  
New York, NY 10017  
Telephone: (212) 974-1554  
Facsimile: (212) 974-1999  
[gcary@cgh.com](mailto:gcary@cgh.com)  
[skaiser@cgh.com](mailto:skaiser@cgh.com)

Attorneys for Defendants  
*Travelocity.com LP and Sabre Holdings Corporation*

1 By: /s/ Kevin J. Arquit  
2 Kevin J. Arquit  
3 SIMPSON THACHER & BARTLETT LLP  
4 425 Lexington Avenue  
5 New York, NY 10017  
6 Telephone: (212) 455-2000  
7 Facsimile: (212) 455-2502  
8 [karquit@stblaw.com](mailto:karquit@stblaw.com)

9 Attorneys for Defendants  
10 *Priceline.com Incorporated, Booking.com*  
11 *B.V. and Booking.com (USA), Inc.*

12 By: /s/ Christopher S. Yates  
13 Christopher S. Yates (SBN 161273)  
14 Daniel M. Wall  
15 Brendan A. McShane  
16 Jason L. Daniels  
17 LATHAM & WATKINS LLP  
18 505 Montgomery Street, Suite 2000  
19 San Francisco, CA 94111  
20 Telephone: (415) 391-0600  
21 Facsimile: (415) 395-8095  
22 [chris.yates@lw.com](mailto:chris.yates@lw.com)  
23 [dan.wall@lw.com](mailto:dan.wall@lw.com)  
24 [brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)  
25 [jason.daniels@lw.com](mailto:jason.daniels@lw.com)

26 Attorneys for Defendant  
27 *Orbitz Worldwide, Inc.*

28 By: /s/ Steven A. Newborn  
Steven A. Newborn  
Carrie M. Anderson  
Daniel E. Antalics (SBN 276488)  
WEIL, GOTSHAL & MANGES LLP  
1300 Eye Street, N.W., Suite 900  
Washington, D.C. 20005  
Telephone: (202) 682-7000  
Facsimile: (202) 857-0940  
[daniel.antalics@weil.com](mailto:daniel.antalics@weil.com)

*Of Counsel:*  
James C. Egan, Jr.

Attorneys for Defendant  
*Hilton Worldwide, Inc.*

1 By: /s/ Christopher J. Kelly  
2 Christopher J. Kelly (SBN 276312)  
3 MAYER BROWN LLP  
4 Two Palo Alto Square, Suite 300  
5 3000 El Camino Real  
6 Palo Alto, CA 94306-2112  
7 Telephone: (650) 331-2000  
8 Facsimile: (650) 331-2061  
9 [cjkelly@mayerbrown.com](mailto:cjkelly@mayerbrown.com)

6 Robert E. Bloch  
7 Richard Ben-Veniste  
8 MAYER BROWN LLP  
9 1999 K Street, N.W.  
10 Washington, D.C. 20006  
11 Telephone: (202) 263-3203  
12 Facsimile: (202) 263-5203  
13 [rbloch@mayerbrown.com](mailto:rbloch@mayerbrown.com)  
14 [rben-veniste@mayerbrown.com](mailto:rben-veniste@mayerbrown.com)

11 Attorneys for Defendant  
12 *Starwood Hotels & Resorts Worldwide, Inc.*

13 By: /s/ Francis J. Burke, Jr.  
14 Francis J. Burke, Jr. (SBN 75970)  
15 Seyfarth Shaw LLP  
16 One Century Plaza  
17 2029 Century Park East, Suite 3500  
18 Los Angeles, CA 90067-3021  
19 Telephone: (310) 201-5214  
20 Facsimile: (310) 282-6993  
21 [fburke@seyfarth.com](mailto:fburke@seyfarth.com)

18 Attorneys for Defendant  
19 *Trump International Hotels Management, LLC*

20 By: /s/ Marie L. Fiala  
21 Marie L. Fiala (SBN 79676)  
22 Ryan M. Sandrock (SBN 251781)  
23 SIDLEY AUSTIN LLP  
24 555 California Street  
25 San Francisco, CA 94104  
26 Telephone: (415) 772-1200  
27 Facsimile: (415) 772-7400  
28 [mfiala@sidley.com](mailto:mfiala@sidley.com)  
[rsandrock@sidley.com](mailto:rsandrock@sidley.com)

26 Attorneys for Defendant  
27 *Kimpton Hotel & Restaurant Group, LLC*

1  
2 By: /s/ Timothy T. Scott  
3 Timothy T. Scott (SBN 126971)  
4 Leo Spooner III (SBN 241541)  
5 KING & SPALDING LLP  
6 333 Twin Dolphin Drive, Suite 400  
7 Redwood Shores, CA 94065  
8 Telephone: (650) 590-0700  
9 Facsimile: (650) 590-1900  
10 [tscott@kslaw.com](mailto:tscott@kslaw.com)  
11 [lspooner@kslaw.com](mailto:lspooner@kslaw.com)

12 Jeffrey S. Cashdan  
13 Christine A. Hopkinson  
14 Sarah E. Statz  
15 KING & SPALDING LLP  
16 1180 Peachtree Street, N.E.  
17 Atlanta, GA 30309  
18 Telephone: (404) 572-4600  
19 Facsimile: (404) 572-5100  
20 [jcashdan@kslaw.com](mailto:jcashdan@kslaw.com)  
21 [chopkinson@kslaw.com](mailto:chopkinson@kslaw.com)  
22 [sstatz@kslaw.com](mailto:sstatz@kslaw.com)  
23 Attorneys for Defendant  
24 *InterContinental Hotels Group Resources,*  
25 *Inc.*

26 By: /s/ Eugene F. Assaf  
27 Eugene F. Assaf, P.C.  
28 Edwin John U  
Ian R. Conner  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, N.W  
Washington, D.C. 20005-5793  
Telephone: 202-879-5000  
Facsimile: 202-879-5200  
[eugene.assaf@kirkland.com](mailto:eugene.assaf@kirkland.com)  
[edwin.u@kirkland.com](mailto:edwin.u@kirkland.com)  
[ian.conner@kirkland.com](mailto:ian.conner@kirkland.com)

Attorneys for Defendants  
*Wyndham Worldwide Corporation,*  
*Wyndham Hotel Group, LLC and*  
*Travelodge Hotels, Inc.*

1  
2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

3  
4 Dated: October 24, 2012

5   
6 THE HONORABLE MARIA-ELENA JAMES  
7 Chief United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/Laurence D. King  
Laurence D. King